

Germany received some 200,000 refugees in 2014—more than any other Western country—including many from Syria and Iraq. The influx fueled the rise of several anti-immigrant groups. The Alternative for Germany (AfD), a populist, anti-immigration, anti-European Union right-wing party, emerged as a rising force in German politics, winning seven seats in the May European Parliament elections as well as seats in three state legislatures.

Toward the end of the year, a new anti-immigration, anti-Islam movement known as Patriotic Europeans Against the Islamization of the West (PEGIDA), initially formed to protest the government's decision to set up new refugee centers, held mass rallies in the eastern city of Dresden. Chancellor Angela Merkel and other mainstream politicians condemned the movement, and counterdemonstrations were held in Dresden and other cities.

Political Rights and Civil Liberties:

### **Political Rights: 39 / 40 [Key]**

#### **A. Electoral Process: 12 / 12**

The German constitution provides for a lower house of parliament, the 622-seat Bundestag (Federal Assembly), as well as an upper house, the Bundesrat (Federal Council), which represents the country's 16 states. The Bundestag is elected at least every four years through a 50-50 mixture of proportional representation and single-member districts. The country's head of state is a largely ceremonial president, chosen jointly by the Bundestag and a group of state representatives to serve up to two five-year terms. The chancellor—the head of government—is elected by the Bundestag and usually serves for the duration of a legislative session. The chancellor's term can be cut short only if the Bundestag chooses a replacement in a so-called constructive vote of no confidence. In Germany's federal system, state governments have considerable authority over matters such as education, policing, taxation, and spending.

In the September 2013 federal elections, Merkel's Christian Democratic Union (CDU) and its Bavarian sister party, the Christian Social Union (CSU), won a total of 311 seats in the Bundestag—the best showing for the Christian Democrats since 1990, when Germany reunified. Their previous coalition partner, the pro-free market Free Democratic Party (FDP), failed to meet the 5-percent threshold to qualify for seats for the first time since 1949. The center-left Social Democratic Party (SPD) took 193 seats, and the Greens won 63 seats. The radical Left party took 64 seats. AfD narrowly failed to qualify for seats.

The SPD had previously ruled out governing with the Left, which is widely viewed as a successor to the East German communists. In November 2013 the CDU reached an agreement with the SPD to form a so-called grand coalition government, as they had done during Merkel's first term (2005–09).

In February 2014, the German Constitutional Court struck down a 3-percent voting threshold required for parties to qualify for a seat in the European Parliament. The decision allowed the right-wing National Democratic Party of Germany (NPD) to win one seat in May European elections. In August, however, the NPD lost its last remaining seat in the parliament of the eastern state of Saxony, which resulted in a loss of public funding for the party. The NPD now holds a seat in only one state parliament, in eastern Mecklenburg-Pomerania. The FDP failed to reach the 5-percent threshold for representation in Saxony, leaving it with no seats in any state parliament or at the federal level.

## **B. Political Pluralism and Participation: 15 / 16**

Under electoral laws that, for historical reasons, are intended to restrict the far left and far right, a party must receive either 5 percent of the national vote or win at least three directly elected seats to be represented in parliament. The largest political parties have traditionally been the SPD and the CDU-CSU. The main extreme right party, the NPD, is hostile to immigration and the EU, and has been accused of glorifying Adolf Hitler and the Third Reich. In December 2013, all 16 German states petitioned the Federal Constitutional Court to ban the NPD, calling it a neo-Nazi antidemocratic group. Previous attempts to outlaw the party had failed, most recently in 2012; Merkel did not back the petition, which was unresolved as of the end of 2014.

While the NPD's influence has been waning, AfD's support is growing. It won seven seats in the European Parliament elections and also gained its first seats in state parliaments, in the eastern states of Saxony, Thuringia, and Brandenburg.

In December, Bodo Ramelow of the Left Party became the premier of Thuringia, the first member of the party to hold the position in any state. Merkel and President Joachim Gauck both criticized the Left's inclusion in a state government.

The September 2013 federal elections resulted in the first black members of the Bundestag, with one each from the CDU and the SPD. The CDU also saw its first Muslim deputy elected to the Bundestag. Overall, the number of Bundestag members from immigrant backgrounds rose from 21 to 34.

## **C. Functioning of Government: 12 / 12**

Germany is free from pervasive corruption. Germany was ranked 12 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index. The government is held accountable for its performance through open parliamentary debates, which are covered widely in the media.

In January 2014 it was reported that Ronald Pofalla, two weeks after resigning as Merkel's chief of staff, had accepted a board position with Deutsche Bahn, the railway operator part-owned by the government. The news prompted calls for a longer interim period during which former high-level government officials would be banned from taking private-sector lobbying positions.

In February, a regional court in Hanover acquitted former federal president Christian Wulff of corruption charges. Wulff had resigned in 2012 amid allegations that he had accepted favors from wealthy friends while serving as premier of Lower Saxony state. He was Germany's first former head of state to stand trial.

## **Civil Liberties: 57 / 60**

## **D. Freedom of Expression and Belief: 15 / 16**

Freedom of expression is enshrined in the constitution, and the media are largely free and independent.

Hate speech is punishable if publicly pronounced against specific segments of the population and in a manner that incites hatred, such as racist agitation and anti-Semitism. It is also illegal to advocate Nazism, deny the Holocaust, or glorify the ideology of Hitler.

In August 2014, the state-owned broadcasting company, Deutsche Welle, dismissed Su Yutong, an exiled Chinese dissident who had worked as a blogger for its Chinese-language website. Su had publicly criticized the broadcaster for giving a platform to commentators sympathetic to the Chinese government's role in the 1989 Tiananmen Square massacre; the broadcaster said she was fired for publicly voicing opinions on internal issues.

Internet access is generally unrestricted. In 2013, documents leaked by former U.S. National Security Agency (NSA) contractor Edward Snowden showed that the NSA, collaborating with German intelligence agencies, had secretly collected extensive data on communications in Germany, and had monitored Merkel's mobile phone. In February 2014, Merkel expressed support for calls to create a new European-operated communications network that would safeguard email and other data from U.S. surveillance. In June, Attorney General Harold Range stated that he had opened a formal investigation into the tapping of Merkel's phone by "unknown members of the US intelligence services."

Freedom of belief is legally protected. Eight states have passed laws prohibiting female Muslim schoolteachers from wearing the headscarf, while Berlin and the state of Hesse have adopted legislation banning headscarves for all civil servants. Academic freedom is generally respected, and higher education is free of charge to students. In October 2014, Lower Saxony became the final state to abolish university tuition fees. Private discussion is unrestricted.

## **E. Associational and Organizational Rights: 12 / 12**

The right of peaceful assembly is not infringed upon, except in the case of outlawed groups, such as those advocating Nazism or opposing the democratic order. Civic groups and nongovernmental organizations operate without hindrance. Trade unions, farmers' groups, and business confederations are free to organize.

## **F. Rule of Law: 15 / 16**

The judiciary is independent, and the rule of law prevails. Prison conditions are adequate, though the Council of Europe has criticized elements of the practice of preventive detention.

In September 2014, Interior Minister Thomas de Maizière announced a ban on all forms of support for the Islamic State (IS) militant group. In December, a Frankfurt court convicted a 20-year-old man, the son of immigrants from Kosovo, on charges of joining IS in 2013, sentencing him to three years and nine months in prison. The man was the first to face charges of IS membership in Germany. In November, the head of the domestic intelligence agency said that around 550 German citizens had traveled to Syria and Iraq to join IS.

Merkel's cabinet in August 2014 approved draft legislation intended to improve the handling of racist and xenophobic crimes by making it easier for the federal prosecutor to participate in their investigation and requiring courts to consider racial motivations in rendering sentences.

In 2014, Germany received approximately 200,000 asylum applicants. States and municipalities reportedly failed to provide applicants with humane accommodations as they contended with overcrowded shelters and inadequate funding. There were also reports of guards abusing refugees at some facilities. The government reported 86 far-right attacks against hostels for asylum seekers in the first nine months of 2014.

In September, Merkel spoke at a rally in Berlin against anti-Semitism after a number of incidents during the summer in which protests in Germany against Israel's invasion of the Gaza Strip led to anti-Semitic rhetoric and actions. Molotov cocktails were thrown at a synagogue in the western city of Wuppertal in July; three Palestinian suspects were arrested. There were also three incidents of suspected arson attacks against mosques during the summer: one in Berlin and two in the western city of Bielefeld.

In October, a group called Hooligans Against Salafists, comprised of soccer hooligans and neo-Nazis, drew some 5,000 followers to an anti-Islam rally in Cologne that led to violent rioting. October also saw small rallies in Dresden held by a new movement called PEGIDA. By December, the numbers attending the Dresden rallies had grown as large as 17,500. On December 12, Merkel condemned the rallies, declaring that there was "no place in Germany" for hatred of minorities. In her New Year's address on December 31, she warned Germans not to "follow those who have called the rallies."

## **G. Personal Autonomy and Individual Rights: 15 / 16**

Freedom of movement and property ownership are respected. Women's rights are well protected under antidiscrimination laws. However, gender wage gaps persisted in 2014, with women earning approximately 22 percent less than men for the same work. In December, the Bundestag passed a law requiring large German companies to reserve at least 30 percent of the seats on their corporate boards for women. Women held 6 of the 16 federal cabinet positions in the government and 36 percent of the seats in parliament after the September 2013 elections.

Limited same-sex partnership rights are respected. The Bundestag passed new adoption and tax laws in May 2014 to grant equal rights to gay couples, in accordance with 2013 rulings by the Constitutional Court.

In July 2014, the Bundestag voted to grant dual citizenship to German-born children of immigrants for the first time. To qualify, they must prove at the age of 21 that they have lived in Germany for at least eight years or have attended German schools or vocational training for six years.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**[Full Methodology](#)**